

Dennis K. Burke, Inc.

E-85 Stations



Bringing E-85 stations
into mainstream

Media Coverage

BUSINESS TODAY

Goin' with the grain

Chelsea station first in N.E. with ethanol mix

By JERRY KROCHEN

Ted Burke is all pumped up about E85, the environmentally friendly fuel his Chelsea gas station will soon be the first in Massachusetts to sell.

"For us, it's just the right thing to do," said Burke, whose Burke's Irving Gas Station will offer the fuel as soon as fire inspectors OK his new E85 pump.

Supporters believe E85 — a mix of 85 percent ethyl alcohol and 15 percent gasoline — holds the key to America's energy future.

They say the fuel can reduce air pollution, help U.S. farmers (ethyl alcohol comes from crops) and wean America off of foreign oil.

"I like to argue that the nation is in a war in the Middle East not to protect human rights, but to protect the free flow of oil," said Phil Lampert of the National Ethanol Vehicle Coalition, a pro-E85 group.

To use E85, normal cars need about \$25 of special gaskets and other equipment that can stand up to the fuel's alcohol content.

With such modifications, E85-capable cars can run on pure alcohol, pure gasoline or any combination of the two. Experts say E85 offers the best mix of ethyl alcohol's environmental benefits



STAFF PHOTOS BY HELE ADAGUAT

COOKIN' WITH CORN: Ted Burke, below, is setting up a pump at his Chelsea service station that will dispense fuel that is 15 percent gasoline and the remainder ethanol, which can be made from corn.

fits and gasoline's starting power.

U.S. automakers have been making E85 cars since 1992, partly because doing so earns them special credits toward government fuel efficiency standards.

Automakers have shipped some 6 million E85 cars to date, including about 75,000 currently registered in Massachusetts. However, car owners rarely even know they own E85-compatible vehicles.

Lampert said dealers don't usually test a car's E85 abilities because just 1,212 of America's 300,000 gas stations

sell the fuel. "There are (few) E85 fueling stations, so why should a salesman promote the fact that a car is a flex-fuel vehicle?" he said.

E85 also has some critics.

Consumer Reports last fall estimated cars get 27 percent worse miles per gallon with E85 than with gas.

Because E85 cost about \$2.91 a gallon at the time, the magazine concluded the fuel only made sense if gas hit \$4 a gallon.

The Union of Concerned Scientists also claims E85's fuel-efficiency credits let Detroit comply with government

rules while still building gas guzzlers ultimately increasing U.S. oil usage.

Some studies say E85 takes more energy to make and distribute than consumers get from burning it.

Still, gas-station owner Burke looks forward to selling E85 in a few months even though equipment to pump the fuel cost him some \$90,000 to install. That's roughly 11 times what adding traditional gas pump would have run.

"We as a country have had a goal of energy independence for a long time," Burke said. "I think E85 is a step in the right direction toward that."



Ethanol's well-kept secrets

Few of the more than 70,000 Massachusetts drivers who own E85-enabled cars know their vehicles can run on the environmentally friendly fuel.

That's because salespeople have historically downplayed cars' E85 capabilities, given the scarcity of service stations that carry the fuel.

But U.S. automakers, which produce most E85-enabled vehicles, have recently begun raising the fuel's profile.

Chrysler, Ford and General Motors are all outfitting

E85-capable vehicles with yellow gas caps beginning this model year.

Older flex-fuel cars should have E85 references in their owners' manuals, as well as on labels located on the inside of a vehicle's gas-cap door.

The eighth digit of an E85 car's vehicle identification numbers (VIN) will also carry a B, E, G, H, P, T, V, W, Z, Q, J, 3 or 5. For a list of specific E85 models and their corresponding VIN codes, see E85fuel.com.

— JERRY KROCHEN



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We're not just talking about it.

Four years ago, Dennis K. Burke was the first station in Massachusetts offering Biodiesel at the pump. Next month, we'll be the first in the state with E85 Ethanol at the pump.



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our Biodiesel and E-85 Ethanol exhibits



Community Support

AltWheels Recognizes 'Green' Pioneers

At a ceremony held on Boston's City Hall Plaza, AltWheels presented awards to highlight the state's leaders who are showing the way towards a more sustainable transportation future. The fourth annual AltWheels Festival has grown to the largest alternative transportation expo on the east coast. We would like to congratulate all of award recipients. Alternative fuels are making a big impact on the air we breathe. We're proud to salute AltWheels' choice for Largest Renewable Fuel Users in Massachusetts for the first half of 2006.

AltWheels



Photo courtesy City of Boston

CITY OF BOSTON

Thomas M. Menino, Mayor
using B5 Biodiesel and Ultra Low Sulfur Diesel



MWRA

Frederick A. Laskey, Executive Director
using B20 Biodiesel



NATIONAL GRID

Paul J. Zaremba, Manager
using B20 Biodiesel



HARVARD UNIVERSITY

David Harris, General Manager, Transportation Services
using B20 Biodiesel

Community Support

AltWheels Festival Explores 'Greener' Alternatives

Boston's City Hall Plaza came alive as the fourth annual AltWheels Festival brought some of the best technologies and approaches to address the sustainable mobility challenge. AltWheels creates a one-stop site for the best priced, cutting edge technologies, coupled with the opportunity to learn from leading thinkers and practitioners of alternative fuels and sustainable transportation. The festival has grown to the largest alternative transportation expo on the east coast. We thank all of our friends that stopped by to learn more about Biodiesel and E85 Ethanol.

AltWheels



Photo courtesy City of Boston

DENNIS K. BURKE INC.
THE EMISSIONS EXPERTS

Political Support

June 19, 2007

Senator John Kerry
304 Russell Building, Third Floor
Washington, DC 20510

Dear Senator Kerry,

Several of us at Dennis K. Burke, Inc., located in Chelsea, MA, caught your comments regarding our gas station and the availability of E-85 in Massachusetts on C-Span at the Senate Hearing held on June 14th, 2007 on gas prices and the impact on small businesses.

We at Dennis K. Burke, Inc. would like to thank you for your mention of our gas station.

We would like to let you know that there are serious disconnects between the federal and Massachusetts State regulations with regard to E-85 and installation of equipment, in particular the Stage II requirements. We have been stalled by the DEP since January 2007 due to this disconnect.

We would like to invite you to see our alternative fuels operation here in Chelsea.

We invited you in May of 2003 to the Biodiesel Dedication at our gas station on Beacham Street. Unfortunately you had a prior commitment, so we would like to extend an invitation to you again. Our biofuels are selling well and we think it would be a great opportunity for you to see how committed Dennis K. Burke, Inc. is to using alternative fuels.

I will be in Washington, DC on July 18th on behalf of the Society of Independent Gasoline Marketers Association Legislative Committee. I would appreciate the opportunity to meet with you or one of your staff to discuss E-85 and the future of alternative fuels in Massachusetts.

Thank you again for mentioning our station on C-Span and I look forward to hearing from you.

Sincerely,

Ed Burke
Chairman of the Board



Stage II Vapor Recovery

DATE: December 27, 2006
TO: NEVC Members and Board
FROM: Phil Lampert
SUBJECT: Stage II Vapor Recovery



Board of Directors and Members:

For the past several years, the NEVC has been working to bring E85 into the state of California. We have faced many roadblocks in this task with the most recent issue being that associated with the use of Stage II Vapor Recovery systems for FFVs. Following is a short history.

Many areas of the nation require the use of stage II vapor recovery devices at motor gasoline dispensing stations. This is a vacuum system that essentially captures the fumes that would otherwise escape during refueling of a motor vehicle. This system is generally recognized as a flexible "boot" around the metal fuel dispenser device. Stage II systems can be found in St. Louis, Houston, parts of Ohio, the Northeast, and throughout California. The addition of stage II equipment at a fueling location can add up to \$40,000 per station. Additionally, the state of California requires very stringent and robust certification of this equipment. To date, the NEVC and our partners have been unable to acquire the resources needed to pay for the certification of stage II equipment in California.

Stage II Vapor Recovery

DATE: December 27, 2006
TO: NEVC Members and Board
FROM: Phil Lampert
SUBJECT: Stage II Vapor Recovery



In 1998, the U.S. EPA promulgated regulations that required a system of fuel vapor recovery to be installed in motor vehicles. This system is referred to as on board vapor recovery (OBVR) and has been standard equipment since model year 2000 in light duty automobiles. OBVR is generally recognized as having been included in more than 90% of all FFVs that have been produced.

The NEVC has been encouraging the U.S. EPA to issue a statement that it was both redundant and hence unnecessary for state air regulators to require a stage II vapor recovery system for E85 dispensing equipment given that the vast majority of FFVs had been produced with On Board Vapor Recovery. After much work, the U.S. EPA recently issued the attached memorandum which allows states to modify their SIP, (State Implementation Plan) to no longer require the use of stage II equipment at E85 dispensing facilities. Please find the letter from the EPA by clicking [here](#). This is a major achievement as we believe that officials with the California Air Resources Board will adopt this new policy. As such, we hope to have thus overcome one of, if not the last, major barrier to the introduction of E85 in California.

Many of the NEVC staff and Board of Directors have been involved in the effort to overcome the California/Federal stage II vapor recovery problem. Additionally, I would like to thank Mr. Gary Herwick, a consultant to the NEVC, for his personal intervention and professional guidance in this important matter.

3216 Emerald Lane, Jefferson City, MO 65109
573-635-8445 • 573-635-5466/Fax



Deals with Enviro

Refueling Flexible Fuel Vehicles at E85 Dispensing Pumps

- EPA believes that encouraging the use of E85 as a motor vehicle fuel reduces emissions of other air pollutants such as CO and benzene, a known carcinogen, and reduces emissions of greenhouse gases.
- In addition, based on available information, **the Agency is concerned that there is currently a lack of certified Stage II equipment for E85** (which may require different materials of construction than conventional Stage II equipment), and that the timing for when certified E85-compatible equipment will become widely available is uncertain.
- **This may unnecessarily hinder E85 distribution in areas that now require Stage II.**

Fire Suppression

From: Anthony Guba
Sent: Thursday, February 08, 2007
To: Ed Burke
Subject: RE: Beacon St.
Attachments: 3843 FSP sht1of2.pdf, 3843 FSP sht2of2.pdf

Hi Ed,

I attached PDF of the fire suppression drawing we're ready to submit to fire for review.

Do you want to proceed with that now, or continue to wait on stage II decisions.

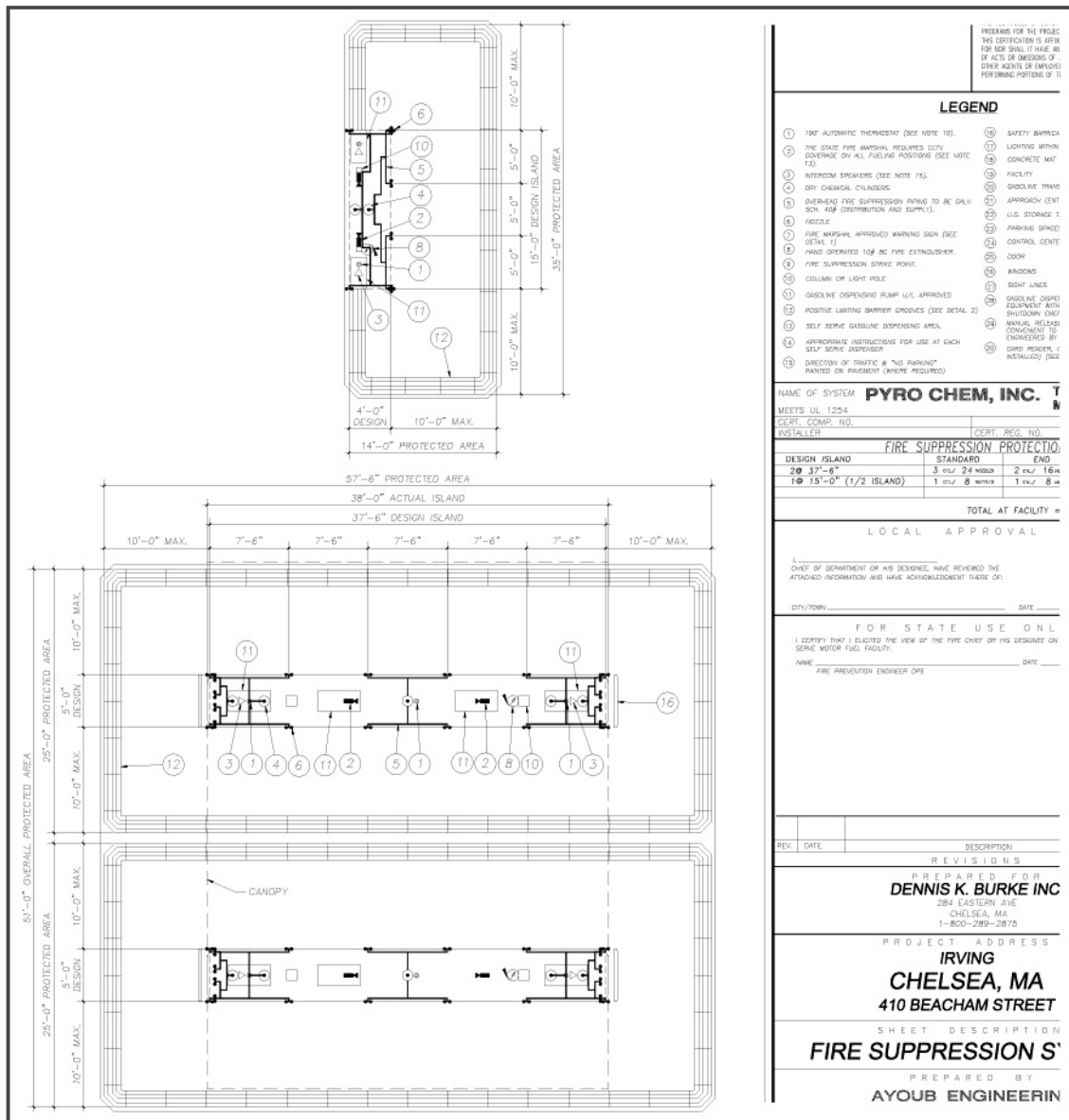
In any case, the attached is for your comment prior to submittal.

Thanks
Tony

Anthony Guba, P.E., P.O.E.
Ayoub Engineering, Inc., 254B N. Broadway, Salem, NH 03079
office 603-894-4824 / fax 603-894-4827 / cell 603-765-1001
aguba@ayoubengineering.com



Fire Suppression



Fire Suppression

From: Anthony Guba
Sent: Wednesday, February 21, 2007
To: Ed Burke
Subject: 3843.106 Chelsea - Burke - FSP

Hi Ed,

I just spoke to Bob Better at the Chelsea Fire Dept. He was concerned chemical being applied on E-85, but I was able to satisfy him. He says he will approve the plan and return to us for processing with State Fire Marshal. He did mention that the approval for the E-85 tank isn't final yet, but he has no problem approving this plan first as part of the process.

Could you have someone in your office fax over the following -

FP-2 license (storage)

FP-5 registration

FP-290 registration (all 5 pages)

FP-290 part 3 permit

The Fire Marshal's office requires these documents to be submitted with the plan. You can fax either to me in NH at 603-894-4827 or to attn: Louise in RI 401-724-1110.

Thanks

Tony

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aguba@ayoubengineering.com



Fire Suppression

From: Anthony Guba
Sent: Friday, March 30, 2007
To: Ted Burke
Subject: RE: 3843.106 Chelsea Beacham St Fire Suppression Plan

Hi Ted,

The ball is in the State Fire Marshal's court--

The locally approved fire suppression plan was submitted to the state fire marshal with those documents and the required fee on March 21st. We would have heard already if they had a problem with any of the documents because they review the package for completeness as soon as they receive it, and call with any problems within a few days. I expect that review to take approx. 3 weeks based on a plan that we submitted on 3/9 being approved yesterday. It may take a little longer as I know we just flooded the state with plans (about 15 of them) in the last week and a half.

At this point, there's nothing for us to do but wait. My understanding is that due to other issues you're probably not ready to install this system right away? If so, and if you need to expedite this review faster than a normal turnaround let me know and we'll try to put a little extra pressure on the state.

Thanks

Tony

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aguba@ayoubengineering.com

Fire Suppression

From: Anthony Guba
Sent: Friday, March 30, 2007
To: Ed Burke
Subject: RE: 3843.106 Chelsea Beacham St Fire Suppression Plan

Hi Ed,

As far as the fire suppression equipment, the state guidelines indicate that the only thing that you're allowed to put in without prior approval are the grooves. They had a few people put in equipment wrong and then try to get FD to approve it because it was already installed. In reality, if you are willing to accept the risk, I don't see how anyone would oppose installing equipment in advance.

As far as the tank and dispenser, that would be up to the local FD. Except for self serve which needs state approval, the other stuff is all locally controlled. From my conversation with Chelsea FD, it seems you guys have a lot of good faith credit there and I would think they'd be amenable to you're installing in advance of approval at your own risk. Most of that is already in anyway, isn't it?

Thanks

Tony

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aguba@ayoubengineering.com

Fire Suppression

From: Anthony Guba
Sent: Friday, April 13, 2007
To: Ed Burke
Subject: RE: 3843.106 Chelsea Beacham St Fire Suppression Plan

Hi Ed,

I received a call from State Fire Marshal office, Dave Beaudin this afternoon. He is reviewing the FSP we submitted for the new dispensing area for E-85 and Bio-Diesel.

He noticed that the E-85 AST does not meet requirements for setback from bldg and dispenser and maybe from other requirements also. He does not want to approve the fire suppression plan with the tank as indicated, as that would possibly imply that he has no problems with the AST location. He is okay with the Bio-diesel tank location, not the E-85 tank (even with full fire protection rating).

This will require that the tank and dispensing area is revised.

He will not reject the application at this time, he will hold it for a while to allow us to revise the plan and resubmit without a new fee.

I thought I'd be able to get you the fire suppression approval and you could deal with the tank as separate issue, but that does not seem to be the case.

Is there anything you want me to do at this time? Just wait until you revise the site layout and tank location?

Tony

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
RESEARCH TRIANGLE PARK, NC 27711

DEC 12 2006

OFFICE OF
AIR QUALITY PLANNING
AND STANDARDS

MEMORANDUM

SUBJECT: Removal of Stage II Vapor Recovery in Situations Where Widespread Use of Onboard Refueling Vapor Recovery is Demonstrated

FROM: Stephen D. Page, Director *Steve Page*
Office of Air Quality Planning and Standards

Margo Tsirigotis Oge, Director *Margo T. Oge*
Office of Transportation and Air Quality

TO: Regional Air Division Directors

The purpose of this memorandum is to provide guidance to States concerning the removal of Stage II gasoline vapor recovery systems where States demonstrate to EPA that widespread use of onboard refueling vapor recovery (ORVR) has occurred in specific portions of the motor vehicle fleet. The specific fleets addressed here include:

1. initial fueling of new vehicles at automobile assembly plants
2. refueling of rental cars at rental car facilities
3. refueling of flexible fuel vehicles at E85 dispensing pumps

Background

Stage II vapor recovery systems are required to be used at gasoline dispensing facilities located in serious, severe, and extreme non-attainment areas for ozone under section 182(b)(3) of the Clean Air Act (CAA). States have included these control measures in their federally-approved state implementation plans (SIPs) in the form of generally applicable regulatory requirements governing all gasoline dispensing facilities that exceed the relevant gasoline dispensing throughput criteria. However, section 202(a)(6) of the CAA allows EPA to revise or waive the section 182(b)(3) Stage II requirement for these ozone non-attainment areas after the Agency determines that ORVR is in widespread use throughout the motor vehicle fleet.

CAA section 202(a)(6) does not specify which motor vehicle fleet must be the subject of a widespread use determination before EPA may revise or waive the section 182(b)(3) Stage II requirement. Nor does the CAA identify what level of ORVR use in the motor vehicle fleet must be reached before it is "widespread." EPA expects the possibility of

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different rates of the implementation of ORVR across different geographic regions and among different types of motor vehicle fleets within any region. Given this, EPA does not believe that CAA section 202(a)(6) must be read narrowly to allow a widespread use determination and waiver of the Stage II requirement for a given area or area's fleet only if ORVR use has become widespread throughout the entire United States, or only if ORVR use has reached a definite level in each area. Rather, EPA believes that section 202(a)(6) allows the Agency to apply the widespread use criterion to either the entire motor vehicle fleet in a State or non-attainment area, or to special segments of the overall fleet for which ORVR use is shown to be sufficiently high, and to base widespread use determinations on differing levels of ORVR use, as appropriate. Moreover, a single national rulemaking is not needed to grant such a waiver for a specific area. Instead, EPA believes that the Act allows the Agency to use an area-specific rulemaking approving a SIP revision to issue the section 202(a)(6) waiver for a relevant fleet in a non-attainment area, where a State meets the recommended criteria discussed below.

Various metrics have been studied for demonstrating widespread use of ORVR in motor vehicle fleets. One metric focuses on the percentage of vehicles in service that are ORVR-equipped. Based on our preliminary analysis, this metric seems to track fairly closely with the percentage of vehicle miles traveled (VMT) from ORVR-equipped vehicles, and with the percentage of gasoline sold which is dispensed to ORVR-equipped vehicles. In fact, since newer vehicles tend to be driven more miles than older models, VMT traveled by ORVR-equipped vehicles and gasoline dispensed to ORVR-equipped vehicles may exceed 95 percent in a 95 percent ORVR-equipped fleet.

Another metric that EPA considered is when VOC emissions resulting from the application of ORVR controls alone equal the VOC emissions when both Stage II vapor recovery systems and ORVR controls are used, after accounting for incompatibility excess emissions. The incompatibility excess emissions factor relates to losses in control efficiency when certain types of Stage II and ORVR are used together. Studies conducted in three northeastern states indicate that when the percentages of motor vehicles in service with ORVR, vehicle miles traveled by ORVR-equipped vehicles, or gasoline dispensed to ORVR-equipped vehicles are above 95 percent, then the widespread use metric based on comparable VOC emissions will likely have been reached. For this reason, EPA believes that if 95 percent of the vehicles in a fleet have ORVR, then widespread use will likely have been demonstrated.

1. Initial Fueling at Automobile Assembly Plants

Based on our preliminary analysis, EPA expects that if a State's submission of a SIP revision shows that 95 percent of the new vehicles fueled at an automobile assembly plant are equipped with ORVR, and that this level of ORVR use would not decrease, the Agency can determine that widespread use of ORVR has been achieved for the fleet of motor vehicles that are fueled at that facility.

Since model year 2000, all passenger cars have been required to have ORVR. Also since 2006, all light duty trucks, SUVs and medium duty vehicles are required to be equipped

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with ORVR. There may be a few situations, such as the chassis for motorized mobile homes, which still do not have ORVR. However, the number of these would be small. It is apparent that at most automobile assembly plants greater than 95 percent of the vehicles manufactured would have ORVR. Many assembly plants manufacture 100 percent ORVR equipped vehicles. Only such new vehicles are expected to be fueled at the automobile assembly plants.

States desiring to remove the Stage II requirement for these facilities would need to submit a SIP revision that EPA would evaluate through notice and comment rulemaking. The SIP would need to demonstrate that the widespread use benchmark has been achieved and provide assurance that any facility wishing to remove Stage II equipment maintains its eligibility for its motor vehicle fleet. Any EPA SIP approval would also be subject to the CAA section 110(l) requirement that the revision not interfere with any applicable requirement concerning attainment and reasonable further progress, or any other requirement of the CAA.

2. Refueling of Rental Cars at Rental Car Facilities

Similarly, EPA expects that if a SIP revision submission demonstrates that 95 percent of the vehicles in an automobile rental fleet refueling at a rental car facility are equipped with ORVR and that this level of ORVR use would not decrease, then widespread use of ORVR could be found for the motor vehicle fleet refueling at that facility. Most large rental car companies rent current model vehicles that would all have ORVR. There may be truck rental companies which have older vehicles which do not have ORVR and that would not be able to demonstrate widespread use of ORVR for their fleets. As discussed above, any SIP revision would be subject to CAA section 110(l) and other applicable requirements, and State and local agencies should consider any potential transportation conformity impacts if Stage II is currently included in a SIP's on-road motor vehicle emissions budget.

3. Refueling Flexible Fuel Vehicles at E85 Dispensing Pumps

E85 is a motor vehicle fuel that is a blend of as little as 15 percent gasoline and up to 85 percent ethanol. (In wintertime applications, the ratio may be 30 percent gasoline and 70 percent ethanol.) Ethanol is ethyl alcohol, a type of alcohol which can be produced from renewable resources such as corn. Based on the agency's survey of existing SIPs, EPA believes that most States have defined "gasoline" (for purposes of controlling emissions of VOC from refueling activities) to include gasoline/alcohol blends that have the same volatility as E85. EPA's guidance for States in developing their Stage II SIPs in the early 1990s suggested that States use the same definition of "gasoline" as the one found in EPA's Standards of Performance for Bulk Gasoline Terminals at 40 C.F.R. 60.501, which includes "any petroleum distillate or petroleum distillate/alcohol blend having a Reid vapor pressure of 27.6 kilopascals (kPa) or greater which is used as a fuel for internal combustion engines." EPA recommended using this definition to most broadly reach situations in which refueling of motor vehicles results in evaporative VOC emissions that contribute to ozone non-attainment concentrations, and to avoid a narrow interpretation of what is "gasoline" that

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would allow significant VOC emissions from motor vehicle refueling activities in non-attainment areas to go uncontrolled.

E85 can only be used in specially designed flexible fuel vehicles (FFVs), which have mostly been manufactured since 1998. Since these are newer vehicles, most of them are equipped with ORVR, and every FFV built today has ORVR. Thus, most vehicles refueling at E85 dispensing pumps are already having their evaporative emissions captured, as in the cases of late model rental cars refueling at rental car facilities and newly manufactured cars being fueled for the first time at automobile assembly plants. EPA estimates that 59 percent of FFVs in current use are equipped with ORVR. The percentage of FFVs with ORVR will continue to climb as older vehicles are taken out of service and new models join the fleet. Across different ozone non-attainment areas and between States, these percentages may vary.

EPA believes that encouraging the use of E85 as a motor vehicle fuel reduces emissions of other air pollutants such as CO and benzene, a known human carcinogen, and reduces emissions of greenhouse gases. In addition, based on available information, the Agency is concerned that there is currently a lack of certified Stage II equipment for E85 (which may require different materials of construction than conventional Stage II equipment), and that the timing for when certified E85-compatible equipment will become widely available is uncertain. This may unnecessarily hinder E85 distribution in areas that now require Stage II.

Unlike in the cases of automobile assembly plants and rental car facilities, EPA is not recommending a specific percentage of the FFV fleet that should have ORVR before widespread use could be determined. This is because most E85 compatible vehicles are already equipped with ORVR and this percentage is increasing over time, whereas for automobile assembly plants and car rental facilities very high percentages of ORVR use have in most cases already been reached and are not expected to further increase significantly. The general use of ORVR in FFVs, instead, is expected to significantly increase, as are the miles driven by and amount of fuel dispensed to recent ORVR-equipped FFVs compared to those manufactured before 2000 without ORVR.

Moreover, we believe that in determining whether widespread use of ORVR has been demonstrated, it is reasonable under section 202(a)(6) to consider the VOC emissions impacts of removing Stage II, and that those impacts may inform the percentage of ORVR-equipped vehicles that would need to be achieved for a specific motor vehicle fleet or in a specific non-attainment area. EPA expects that the air quality impact of allowing E85 refueling facilities to operate without Stage II controls would likely be minimal in most non-attainment areas. FFVs currently comprise about 2 percent of the total US fleet. Non-ORVR FFVs are less 1 percent of the total U.S. vehicle fleet. EPA estimates that non-ORVR FFVs participate in only about 0.5 percent of all refueling events. Furthermore, because of the relatively small number of stations that offer E85 (around 1,000 out of 170,000 total refueling stations) EPA believes that very few of these non-ORVR refueling events actually occur at E85 pumps.

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Considering the factors discussed above, if an area can demonstrate that any increase in emissions caused by operating E85 fueling facilities without Stage II controls is so small as to clearly not interfere with attainment of the ozone standard or reasonable further progress or any other applicable CAA requirement, then EPA expects it could find that ORVR is in widespread use for FFVs when refueling at E85 facilities in this area. These areas could then allow E85 facilities to operate without Stage II controls, after modifying their SIPs such that E85 is not included within the definition of "gasoline" for purposes of Stage II vapor recovery controls (or after taking other necessary SIP revision action). As discussed above, States would need to submit SIP revisions affecting this change to their current Stage II SIPs, which EPA would evaluate through notice and comment rulemaking, subject to the provisions of CAA section 110(l). In addition, State and local agencies should consider if there are any transportation conformity impacts related to removing Stage II, if emissions reductions from Stage II are included in a SIP's on-road motor vehicle emissions budget. Due to the expected rapid growth of E85 installations, EPA will explore the development of ways to expedite the SIP revision process for States which are dealing with the E85 issue.

General Exclusions from Widespread Use Determinations

States in the ozone transport region (OTR) are still required to apply Stage II, or a comparable measure, in all areas under 184(b)(2) of the CAA. This requirement is not affected by any widespread use determination or waiver of the section 182(b)(3) requirement granted under section 202(a)(6). For the independent section 184(b)(2) "comparable measure" requirement to not prevent an appropriate removal of Stage II controls, OTR States may want to revisit their previously approved comparable measure SIPs to consider substituting available non-Stage II measures for the Stage II controls they currently require.

Also, some States have chosen to add Stage II vapor recovery system requirements in their SIPs for ozone nonattainment areas that are classified in a category lower than "serious." While it is not necessary for States to demonstrate ORVR is in widespread use in moderate or cleaner ozone non-attainment areas, a revision of previously adopted SIP requirements to specifically waive Stage II requirements in such areas would need to comply with the provisions of CAA section 110(l) and, as described above, consider any transportation conformity impacts as applicable.

This guidance for widespread use determinations for special sectors would not necessarily apply to widespread use determinations for the general motor vehicle fleet. Within the overall motor vehicle fleet, the rate of penetration of ORVR-equipped vehicles has not advanced at the same rapid rates as for the fleets discussed in this memorandum. EPA is still considering the possible criteria for determining widespread use for the general fleet.

Agency Approvals



Linda S. Adams
Secretary for
Environmental Protection

Air Resources Board

Robert F. Sawyer, Ph.D., Chair
1001 I Street • P.O. Box 2815
Sacramento, California 95812 • www.arb.ca.gov



Arnold Schwarzenegger
Governor

September 5, 2006

Dear E85-Compatible Vapor Recovery Equipment Manufacturer:

The purpose of this letter is to clarify the "other agency" review requirements for including a specific manufacturers vapor recovery component in the new Executive Order identifying certified E85 (85 percent ethanol, 15 percent gasoline)-compatible vapor recovery components and systems (E85 EO). State law requires that approvals or determination by the agency listed below are necessary before the Air Resources Board (ARB) can issue a certification.

Recently, we posted a document on our website that identifies E85 compatible components and systems, E85 Compatible Vapor Recovery Components, July 24, 2006. Although these components have all been approved for use in certified gasoline vapor recovery systems, none have been approved for use in E85 vapor recovery systems. As such, none of these components will be eligible for inclusion in the E85 EO until they are approved for such use by the following State Agencies:

- Department of Food and Agriculture,
Division of Measurement Standards (DMS)
- Department of Forestry and Fire Protection,
Office of the State Fire Marshal (SFM)
- Department of Industrial Relations,
Division of Occupational Safety and Health (DOSH)
- State Water Resources Control Board (SWRCB),
Division of Water Quality

It is the responsibility of each component manufacturer to work with the above agencies to obtain their approval or determination for inclusion in the E85 EO. For your convenience, we have enclosed the contact information for each of the above agencies. We would appreciate if you can give us a status report by no later than October 2, 2006 on the status of these approvals.

If you have any questions, you may contact Mr. Alex Santos at (916) 324-1003 or via email at asantos@arb.ca.gov, or Mr. Joe Guerrero at (916) 324-9487 or via email at jguerrero@arb.ca.gov.

Sincerely,

George Lew, Chief
Engineering and Certification Branch
Monitoring and Laboratory Division

Enclosure

cc: See next page

The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our website: <http://www.arb.ca.gov>.

California Environmental Protection Agency

Printed on Recycled Paper

Environmental

AYOUB ENGINEERING, INC.

ENGINEERING AND ARCHITECTURAL CONSULTANTS

NH Branch Office

254-B North Broadway, Suite 206B Salem, New Hampshire 03079
603-894-4828 fax 603-894-4827

Corporate Office

414 Benefit Street, Pawtucket, Rhode Island 02861
office 401-728-5533, fax 401-724-1110, email: info@ayoubengineering.com

May 24, 2007

Mr. Jeffrey Gifford
Dept of Environmental Protection
Stage II Program
P.O. Box 120-165
Boston, Massachusetts 02112-0165

**RE: Proposed E-85 Installation
410 Beacham Street, Chelsea, Mass
Request for Waiver or Exemption from Stage II Requirement**

Dear Mr Gifford,

This letter follows our phone conversations and the email I last sent you in January 2007.

As you recommended, I looked at the ARB site "What's New" tab and the August 2006 notification regarding E-85 (copy of letter attached). The letter explains that even those components that ARB has approved cannot be certified until the manufacturers obtain "other agency" approvals. As far as I know, no certifications yet exist for E-85 systems so this letter actually makes our point that even if we wanted to comply with the requirement for Stage II at the proposed E-85 facility, we could not install a ARB Certified system.

In my last email to you, I attached a letter prepared by EPA in December 2006 (also attached here) encouraging states to look at allowing E-85 installations without requiring Stage II through the mechanism of revising their SIP so that E-85 is not included in the definition gasoline. The justification includes the facts that: 1) the majority of E-85 compatible vehicles are ORVR, with the percentage climbing every day; 2) there is a lack of Stage II Certified

Environmental

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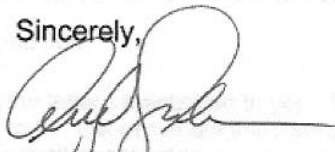
equipment available for E-85 facilities, and timing for such availability is uncertain; 3) the use of E-85 "reduces the emissions of other air pollutants such as CO and benzene, a known human carcinogen, and reduces emissions of greenhouse gases"; 4) the EPA estimates that less than one half of a percent of all flexible fuel vehicle refueling events are not OVRV; all of which add up to a net environmental benefit for encouraging E-85 installations.

As the process of modifying the SIP is fairly onerous, we were hoping that the MA DEP would entertain an application for a waiver or exception regarding the installation of Stage II at an E-85 facility, or at least specifically for this proposed location.

Dennis K. Burke is attempting to be at the forefront in offering this alternative to conventional gasoline at a retail outlet.

I look forward to your response and any suggestions you may have that would allow us to install an E-85 aboveground tank and dispenser at this facility. Please feel free to contact me at anytime with any questions or comments you may have.

Sincerely,



Anthony Guba,
Ayoub Engineering, Inc.

Attachments

EPA Letter, December 12, 2006
ARB letter, September 5, 2006



- OPIS
- Government
- Other hopeful things

New Equipment

From: Mark Babcock
Sent: Friday, June 23, 2006
To: Ed Burke
Subject: E85 dispensing system

Hi Ed,

I know that I have been slow in responding to your RFQ for an E85 dispensing system. I was trying to make sure that all of the pieces were covered prior to pricing this system.

Please accept the following quotation from Adams & Fogg for an E85 dispensing system:

(1) 1000-gallon UL2085 Fireguard tank
3.5-gallon spill bucket on top of tank with OPW pressure rated positive shutoff valve,
Additional probes for high level notification and interstitial space monitoring.
Will use existing Veeder-Root system if possible, otherwise we will install an Omntec console.
1/3 HP submerged turbine pump compatible with 100% ethanol.
Control box for STP
1.5" steel pipe from submersible to dispenser
Dresser-Wayne 3/V387 2-sided dispenser with E85 rating
and card activated terminal to accept pay at pump
E85 rated nozzles, hoses, swivels and breakaways
Pipe fitting of the above system
Electrician to wire the above system
Decals as necessary
Starup of the dispenser
Calibration of dispenser

Your price for the above \$ 39,850

Adams & Fogg Oil Eq. Co.
309 US Route 1 Falmouth, ME 04105
Tel. (207) 781-5470 ME/NH/VT (800) 781-5470 Fax (207) 781-3795



New Equipment

From: Mark Babcock
Sent: Friday, June 23, 2006
To: Ed Burke
Subject: E85 dispensing system

EXCLUSIONS:

Permitting by others

Fire suppression system, if required by others

POS system to run card reader
is not included in the above price

**(If additional POS is required,
please add \$12,000)**

If this system is going to Beacham Street,
we do not have enough product assignments available at this time. I'm hearing that
software development is underway that will allow for additional product assignments
that will allow for separate pricing of the bio-diesel and E85.

Applicable sales tax is not included

Lead time is 8-weeks

Sincerely,

Mark Babcock

Adams & Fogg Oil Eq. Co.
309 US Route 1 Falmouth, ME 04105
Tel. (207) 781-5470 ME/NH/VT (800) 781-5470 Fax (207) 781-3795



New Equipment

Adams & Fogg Oil Equipment Co.
309 U. S. Route 1
Falmouth,
ME 04105-1388

Sold To:
Dennis K. Burke, Inc.
284 Eastern Avenue
P.O. Box 6069
Chelsea, MA
02150
Attn: Ed Burke

Job Location:
410 Beacham Street

Chelsea, MA
02150
Attn: Ed Burke

INVOICE

Invoice Number: J000268
Invoice Date: Oct 13, 2006
Terms: NET30
Customer Code: BURKE
Customer PO#: E85 Ed

Sales Cat/Slsmn: CON/HSE

Job Number: 06-051
Job Description: D.K. Burke
Reference #2:

This invoice is for the 1000-gallon UL-2085 Fireguard tank for your service station at 410 Beacham Street, Chelsea, MA. Price includes 5.0% MA Sales tax collected by Highland Tank.

1000-gallon fireguard w/MA tax	7,000.00
--------------------------------	----------

- CONDITIONS -

Liens may be placed on property if not paid for in full within terms.
Title to all material remains with A&F until paid for in full.
Late charges of 2% per month on overdue balances.
Thank you for your business.

Subtotal	7,000.00
----------	----------

Total Invoice	7,000.00
---------------	----------

New Equipment

Adams & Fogg Oil Equipment Co.
309 U. S. Route 1
Falmouth,
ME 04105-1388

Sold To:
Dennis K. Burke, Inc.
284 Eastern Avenue
P.O. Box 6069
Chelsea, MA
02150
Attn: Ed Burke

Job Location:
410 Beacham Street

Chelsea, MA
02150
Attn: Ed Burke

INVOICE

Invoice Number: J000317
Invoice Date: Dec 26, 2006
Terms: net 30
Customer Code: BURKE
Customer PO# E85 Ed

Sales Cat/Slsmn: CON/ 85

Job Number: 06-051
Job Description: D.K. Burke
Reference #2: Burke E85

This invoice is for the Bennett E85 suction pump.
Bennett suction pump

3,400.00

- CONDITIONS -

Liens may be placed on property if not paid for
in full within terms.
Title to all material remains with A&F until
paid for in full.
Late charges of 2% per month on overdue balances.
Thank you for your business.

Subtotal 3,400.00

Total Invoice 3,400.00

Fire Follow Up

- Follow up to December 06
- As of April 07

Switcheroo Possible

- Good news to previous
- Equipment minutia
- GM

Environmental

AYOUB ENGINEERING, INC. ENGINEERING AND ARCHITECTURAL CONSULTANTS

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414 Benefit Street, Pawtucket, Rhode Island 02861
office 401-728-5533, fax 401-724-1110, email: info@ayoubengineering.com

June 15, 2007

VIA First Class Mail and Fax

Mr. David Demers, P.E., Chairman
Board of Fire Prevention Regulations
P.O. Box 1025, 1 State Road
Stow, Massachusetts 01775

**RE: Proposed AST Installation
410 Beacham Street, Chelsea, Mass**

Dear Chairman Demers,

We are writing to request your consideration to relax the setback requirements for the proposed E-85 1,000 gallon aboveground storage tank at this facility. We had sent this letter to Mr. David Beaudin at the State Fire Marshal's office and were advised that your Board is the appropriate authority for such a request.

Although we would like to meet the setbacks required under 527CMR9.04(B), the existing size constraints of this property preclude us from doing so. The setbacks overlap in such a way to fully cover the entire property and therefore prohibit the installation of the proposed AST anywhere on the site.

We notice that 527CMR9.04 follows the wording of NFPA 30A, 1996 Edition very closely (see highlight on attach 1). If the state requirements are intentionally intended to follow NFPA 30A, then it may be reasonable to consider our request that the setback requirements for this location be relaxed to meet the 2003 Edition of NFPA 30A (see attach 2). This more current version has been revised to allow protected tanks under 6,000 gallon capacity to be located no closer than five feet from the nearest important building and zero feet from dispensing fueling devices. The proposed installation is for a double wall "FireGuard" 1,000-gallon tank and would exceed all the minimum setback requirements under the newer version NFPA 30A.

Environmental

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414 Benefit Street, Pawtucket, Rhode Island 02861
office 401-728-5533, fax 401-724-1110, email: info@ayoubengineering.com

In addition, the proposed facility will include the installation of an UL-1254 dry chemical fire suppression system over the dispensers. As we believe that one of the primary intents of the required setback between the tank and dispenser is to protect the tank from dispenser fire, this fire suppression system will reduce the potential of this hazard to the tank. The proposed tank would meet all the other requirements of 527CMR9.00 and NFPA 30A regarding tank design such as emergency venting, spill containment, tank monitoring, and overfill protection.

Dennis K. Burke would be willing to consider additional safeguards or other measures to be installed as appropriate mitigation if they would allow the Board of Fire Prevention Regulations to consider approving the installation of this proposed AST at this location. As you may be aware, E-85 fuel is considered to be a more environmentally friendly fuel and the EPA is encouraging installation of such facilities. Dennis K. Burke is attempting to be at the forefront in offering this alternative to conventional gasoline at a retail outlet.

I look forward to your response and any suggestions you may have that would allow us to install an E-85 aboveground tank and dispenser at this facility. Please feel free to contact me at anytime with any questions or comments you may have.

Sincerely,

Anthony Guba,
Ayoub Engineering, Inc.

Attachments Attach 1 – 1996 Edition NFPA 30A, Section 2-4.2.2
Attach 2 – 2003 Edition NFPA 30A, Table 4.3.2.4
Attach 3 – Site layout plan showing proposed tank and dispenser

New Equipment



technology resources
international, inc.

ENGINEERING EVALUATION OF DRESSER WAYNE DISPENSERS FOR ETHANOL SERVICE

Prepared for
Scott Negley
Director, Product Management
Dresser Wayne
Dresser, Inc.

March 15, 2007

1314 Mineral Springs Rd. Sterling, IL 61081 USA 815-626-7110 fax 815-626-7126
wolfkoch@t-r-i.com www.t-r-i.com

Full Report
Available


DENNIS K. BURKE INC.
THE EMISSIONS EXPERTS

New Equipment

Reliance® E/Series Fleet Dispensers

Specially engineered for Ethanol and Aviation Fuel applications



Overview

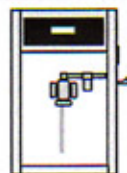
Standard petroleum dispensers utilize aluminum, brass, copper and galvanized (zinc) parts and accessories. But ethanol corrodes these metals, potentially contaminating the fuel and damaging the dispenser itself. Copper, brass and zinc are also not recommended for use with aviation fuels for the same reasons.

That's why Dresser Wayne designed the Reliance® E/G6200 Series of fuel dispensers. Specially designed for use with both ethanol and aviation fuels, they offer unmatched reliability and durability. All wetted aluminum and brass parts are electroless nickel-plated, copper parts are eliminated, and the standard galvanized piping is replaced with black iron pipe, helping ensure clean fuel, long dispenser life and reduced maintenance costs.

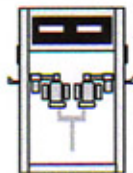


New Equipment

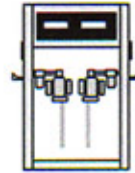
E/G6200 Remote Dispenser Models



E/G6201D/2GJK/W1
Single



E/G6202D/2GJK/W1 Twin I
2 Hoses, 1 Product



E/G6203D/2GJK/W1 Twin II
2 Hoses, 2 Products

- Register
- Meter
- Inlet
- Filter
- Nozzle Boot



Model Number Format: E / Base Model / Suffix 1 Options / Suffix 2 Options (e.g. E / G6201D / 2GJK / W1)
Models with optional ethanol- and aviation fuel-compatible components are denoted by the "E" prefix.

Special Features for E/G6200 Models

Meter: 2-piston positive displacement micro-accurate design uses electroless nickel-plated aluminum.

Meter Inlet/Outlet Casting & Inlet Strainer Assembly: Constructed from electroless nickel-plated aluminum.

Flow Control Valve: 1" (2.5 cm) single stage solenoid valve made of electroless nickel-plated brass.

Internal Piping: 1" (2.5 cm) diameter black iron piping facilitates high flow.

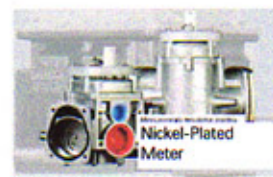
Internal Filter: Electroless nickel-plated aluminum adapter with 1-micron ethanol filter element helps ensure product purity.

Important: When fueling aircraft, proper filtration and water separation equipment should be added to ensure product purity.

Discharge: 1" (2.5 cm) black iron features 3/4" (1.9 cm) reducing bushing for choice of hose sizes.

Approvals: Reliance Series dispensers are C-UL-US Listed for petroleum fuels. A UL listing for E85 is pending.

Important: Select only UL-listed hose and nozzle accessories that are expressly compatible with the fuel type to be dispensed.



**Dresser Wayne
Fleet Fueling Group**
Perkasie, Pennsylvania, U.S.A.
T. +01 215 257 1046

Worldwide Headquarters:
Austin, Texas, U.S.A.
T. +01 512 388 8311

European Headquarters:
Malmö, Sweden
T. +46 40 360 500

Rio de Janeiro, Brazil
T. +55 21 2598 7711

Shanghai, China
T. +21 5899 3976

www.DresserWayne.com



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Reliance® E/Series Fleet Dispensers RevA 09/2006





New Equipment



New Equipment



1218 E. Pontaluna
Spring Lake, MI 49456
231.798-1310

Remit To Address:
Bennett Commercial
Pump Company
Attn: Accounts Receivable
1218 E. Pontaluna Rd.
Spring Lake, MI 49456

INVOICE NO. 9055798
PAGE 2
DATE 11/16/06
SALESMAN

REGULAR INVOICE
FEDERAL: 38-3408028

B
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6180
ADAMS & FOGG OIL EQUIP.CO
309 US ROUTE 1
FALMOUTH ME 04105
United States

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ADAMS & FOGG OIL EQUIP.CO
309 US ROUTE 1
FALMOUTH ME 04105
United States

ORDER #	P.O. NUMBER	PKGS	PPD	WEIGHT	SHIP VIA	TERMS
8998650	916505					

LINE/REL	QTY. ORDERED	QTY. SHIPPED	QTY. BACK ORDERED	UNIT PRICE	EXTENDED PRICE
	1.000	UNITS			
	CI:	110818			
	Item:	35115N-SAGLS2-ANNNNJ1NNNSSW 000			
	Description:	EA			
	U/N:	11/16/06			
	Date Shipped:	11H00000000600000008724826			
	S/N:	Retail Mech, W210 & Elec Reset			
		1 Product			
		1 Hose			
		Standard			
		High Flow - N/A			
		Suction			
		Alcohol			
		U.S. Gallons			
		Low Hose			
		Side Mount			
		Two Sides			
		115V/60Hz 1 Phase			
		No Card Reader			
		No Vapor Recovery			
		No Pulse Out			
		1 Box option			
		Std Electrical			
		No Sub Relay			
		No Speaker			
		No Handcrank			
		Std Hose Handling			
		Std Filtration			
		Lower Door - Bennett White			
		2-108850 E-85 ad panels			
		2-106504 blank ad panels			

Gross: \$	Order Disc:	Net SALES AMOUNT	\$
FREIGHT TERMS: FOB ORIGIN SPRING LAKE, MICHIGAN			
ALL CURRENCY IN USD. PARTS ARE MADE 100% IN USA.			
COUNTRY OF ORIGIN IS USA. THANK YOU FOR YOUR ORDER!			
		WASO CHG	0.00
		FREIGHT	0.00
		SALES TAX	0.00
			0.00
		TOTAL	\$

ORIGINAL INVOICE



New Equipment



DEP Waiver



COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF ENERGY & ENVIRONMENTAL AFFAIRS
DEPARTMENT OF ENVIRONMENTAL PROTECTION
ONE WINTER STREET, BOSTON, MA 02108 617-292-5500

DEVAL L. PATRICK
Governor

TIMOTHY P. MURRAY
Lieutenant Governor

IAN A. BOWLES
Secretary

LAURIE BURT
Commissioner

November 29, 2007

Anthony Guba
Ayoub Engineering, Inc.
254-B North Broadway, Suite 206B
Salem, NH 03079

Dear Mr. Guba,

Thank you for your letter to Jeff Gifford dated May 24, 2007, requesting a waiver or exemption from the Stage II program requirements (310 CMR 7.24(6) Dispensing of Motor Vehicle Fuel) for a proposed E-85 station located at 410 Beacham St., Chelsea, MA.

Upon review of your request and pursuant to U.S. EPA's memorandum, "Removal of Stage II Vapor Recovery in Situations Where Widespread Use of Onboard Refueling Vapor Recovery is Demonstrated," dated December 12, 2006, and because the majority of E-85 fuel capable vehicles have onboard refueling vapor recovery systems installed, the Department has determined, under the following conditions, that the installation of a Stage II vapor control system at 410 Beacham St. in Chelsea, MA is unnecessary.

1. The proposed E85 Dispensing System shall be installed, operated and maintained in accordance with the attached November 2007 E85 Dispensing System Compliance Protocol. Compliance with the attached protocol will ensure the correct operation of the installed E85 Dispensing System over time and is consistent with installation, operation and maintenance requirements required of all other motor vehicle fuel dispensing systems in Massachusetts.

Enclosed for your convenience is a copy of the E85 Dispensing System Installation/Substantial Modification Certification (Form A) referenced in the attached protocols. Please fully complete this Form and submit it to the Department within 7 days of performing and passing the required system installation compliance tests.

DEP E85 Dispenser Forms



Massachusetts Department of Environmental Protection
Bureau of Waste Prevention

E85 Dispensing System Form A

Installation/Substantial Modification Certification

Important:
When filing out
forms on the
computer, use
only the tab key
to move your
cursor - do not
use the return
key.



Section A is to be
completed by the
Dispensing System
Owner, Operator, Lessee
or Controller.

E85 Form A 11/2007

A. E85 Dispensing System Documentation



Massachusetts Department of Environmental Protection
Bureau of Waste Prevention

E85 Dispensing System Form B

Annual In-Use Compliance Certification

Facility Acct#:
«FacAccount»
Reg. Object#



Important:
When filing out
forms on the
computer, use
only the tab key
to move your
cursor - do not
use the return
key.



Section A is to be
completed by the
Dispensing System
Owner, Operator, Lessee
or Controller.

A. E85 Dispensing System Documentation

1. E85 Dispensing System Location

«RO_Name»

Name of facility where the E85 Dispensing System is installed

«RO_Street»

Facility address

«RO_Town»

City/town

MA

State

«RO_ZIP»

Zip code

2. E85 Dispensing System Responsible Official #1 (point of contact for E85 Dispensing correspondence)

«RO_MailCnt»

Name of E85 Dispensing System Responsible Official

«RO_MailAddr»

Mailing address

«RO_MailState»

City/town

«RO_Phn»

Telephone number

3. E85 Dispensing System Responsible Official #2 (fill out only if applicable)

«DspOfficial2Cnt»

Name of E85 Dispensing System Responsible Official

«DspOfficial2Addr»

Mailing address

«DspOfficial2City»

City/town

«DspOfficial2Sta»

State

«DspOfficial2ZIP»

Zip code

4. DEP records show your facility to dispense _____ gallons of gasoline annually.

If this is **INCORRECT**, please check the box below identifying the correct amount of gasoline dispensed at your facility (gallons/annually):

☐ Less than 120,000

☐ 120,000 to 240,000

☐ 240,001 to 500,000

☐ 500,001 to 1,000,000

☐ 1,000,001 to 2,000,000

☐ Greater than 2,000,001

5. Is the pre-completed E85 Dispensing system documentation contained in A.1. - 5. correct? ☐ Yes ☐ No

If no, please print the correct information to the right on the same line or check the correct box.

6. How many gasoline storage tanks are associated with this E85 Dispensing system? ☐ One ☐ Two or more

B. In-Use Compliance Testing and Submittal Requirements

1. In-Use Compliance Tests Required to be Performed and Passed.

a. Pressure Decay test

b. P/V Relief Vent test

2. Testing and Submittal Dates

For this Form to be submitted on time, the envelope used to mail it to DEP must be postmarked dated on or before «TestDueDate» AND all compliance tests must be performed and passed within the 30 days prior to the postmarked date on the envelope.

E85 Form B 11/2007

Page 1 of 4



Massachusetts Department of Environmental Protection
Bureau of Waste Prevention

E85 Dispensing System Form C

Change of E85 Dispensing System Owner, Operator, Lessee or Controller Notification

Important:



Massachusetts Department of Environmental Protection
Bureau of Waste Prevention

E85 Dispensing System Form D

E85 Dispensing System Closure Notification



Important:
When filing out
forms on the
computer, use
only the tab key
to move your
cursor - do not
use the return
key.



Section A is to be
completed by the
Dispensing System
Owner, Operator, Lessee
or Controller.

A. E85 Dispensing System Documentation

1. E85 Dispensing System Facility Name (please print):

Name of facility where E85 Dispensing System installed

Facility address

City/town

State

Zip code

DEP Facility Account #

2. E85 Dispensing System Responsible Official #1 (point of contact for E85 related correspondence):

Name of E85 Dispensing System Responsible Official #1 (please print)

Telephone number

Mailing address

City/town

State

Zip code

3. E85 Dispensing System Responsible Official #2 (fill out only if applicable):

Name of E85 Dispensing System Responsible Official #1 (please print)

Telephone number

Mailing address

City/town

State

Zip code

4. E85 Dispensing System Taken Out of Use Status

i. Is the E85 Dispensing System permanently out of service?

☐ Yes ☐ No

ii. Is the E85 Dispensing System temporarily out of service?

☐ Yes ☐ No

5. Is a fully completed FP-290 Form, approved by the local Fire Department, documenting the subject E85 Dispensing System is permanently or temporarily out of service attached to this Notification? ☐ Yes ☐ No

Please note. For E85 Program compliance purposes, the effective date a E85 Dispensing System is permanently or temporarily taken out of service is the date referenced in the required FP-290 Form. E85 Dispensing System Responsible Official attesting to E85 Dispensing System Out of Service status ☐ #1 ☐ #2

B. Future Property Use

1. Will the property referenced in this Notification be used for another business or commercial operations (for example, auto repair, carwash, convenience store, etc.)? ☐ Yes ☐ No

If yes, please identify: _____

E85 Form D. 11/2007

Page 1 of 2

DEP Interim Protocol

MA DEP: Interim E85 Dispensing System Compliance Protocol November 2007

(a) Applicability:

Any person who owns, leases, operates or controls a Motor Vehicle Fuel Dispensing Facility constructed for the purpose of dispensing E85 motor vehicle fuel/ethanol blends from a motor vehicle fuel storage tank of greater than 250 gallons capacity (E85 Dispensing System).

(b) Fuel Quality:

For purposes of E85 motor vehicle fuel/ethanol blends (E85), only ethanol meeting American Society for Testing and Materials (ASTM) Ed75Ed85 *Standard Specifications for Fuel Ethanol* may be blended with motor vehicle fuel meeting applicable Federal Reformulated Gasoline requirements (Fed Citation). Such blends shall only be blended in accordance with ASTM D5798-99 *Standard Specifications for Fuel Ethanol for Automotive Spark Ignition Engines*.

(c) Dispensing System Requirements

Any person who owns, leases, operates or controls an E85 Dispensing System shall be subject to the following requirements:

1. All tanks, piping, fittings, and joint-fixing materials shall be listed with Underwriters Laboratories, Inc. or certified by the manufacturer, to be compatible with E85 motor vehicle fuel/ethanol blends.
2. Prior to installation, all proposed E85 Dispensing System tanks, piping, fittings, and joint-fixing materials shall be reviewed and approved by the local Fire Prevention Officer for compatibility with E85 motor vehicle fuel/ethanol blends as per the applicable Underwriters Laboratories Inc. listing and/or manufacturer certification, as document by providing, as an attachment to the required E85 Dispensing System Installation/Substantial Modification Certification, a fully completed and approved FP-290 and FP-290 (part 3) Notification For Storage Tanks Regulated Under 527 CMR 9 for the above referenced facility.
3. All applicable E85 fuel storage tanks shall be equipped with: vapor balance return lines, submerged fill pipes, and a pressure vacuum vent valve.

(d) Maintenance Requirements

1. All applicable E85 Dispensing Systems and their individual components shall be operated and maintained in accordance with the applicable Underwriters Laboratories' listing and/or manufacturer's certification.
2. Once every seven (7) days, the E85 Dispensing System shall be visually inspected to determine if the system and its individual components are correctly installed, functioning and unbroken in accordance with applicable Underwriters Laboratories listing and/or manufacturer's certification. Each visual inspection shall include, but not be limited to, inspection of: nozzles; hoses; hose retractors, coaxial adaptors, dry breaks, fill caps and gaskets, vapor recovery caps and gaskets, spill containment boxes and drain valves.

The Commonwealth of Massachusetts
Department of Fire Services – Office of the State Fire Marshal

PERMIT

To Maintain an Existing/New Storage Tank Facility for Storage Tanks Regulated under 527 CMR 9.00

Chelsea Fire Department

Fire Prevention Division

Permit # 08-4.ST-PM

In accordance with the provisions of 527 CMR 9.00 this permit to maintain an existing/new storage tank facility is granted to:

Location of property: **410 BEACHAM ST, CHELSEA, MA**

Owner of property: **DENNIS K BURKE**

Number of storage tanks: Above ground:3
Underground: 7

Facility to be maintained in accordance with the restrictions described below:

Maintain good housekeeping practices, report all product releases as required, notify the Fire Department upon cessation of use of any tanks.

Fee paid: **\$25.00** (M.G.L. Chapter 148, Section 10A)

Paid: Yes

This permit will expire:03/18/2009

Signature of Head of Fire Department or appointed designee: _____

Deputy Chief John Quatieri

In accordance with 527 C.M.R. 1.04, plans approved by the head of the fire department are approved with the intent they comply in all respects to 527 C.M.R. A omissions or errors on the plans do not relieve the applicant of complying with all applicable requirements of 527 C.M.R.

(Owner must post at the storage facility)

Fire Marshal Approval



DEVAL L. PATRICK
GOVERNOR

TIMOTHY P. MURRAY
LT. GOVERNOR

KEVIN M. BURKE
SECRETARY

The Commonwealth of Massachusetts
Executive Office of Public Safety and Security
Department of Fire Services

P.O. Box 1025 ~ State Road

Stow, Massachusetts 01775

(978) 567~3100 Fax: (978) 567~3121

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APR - 1 2008

AYOUB ENGINEERING



STEPHEN D. COAN
STATE FIRE MARSHAL

THOMAS P. LEONARDI
DEPUTY STATE FIRE MARSHAL

March 31, 2008

Self Service ID: 6521

Ayoub Engineering, Inc.
414 Benefit Street
Pawtucket, RI 02861

Facility: Dennis K Burke Inc
Address: 410 Beacham St
City: Chelsea

Dear Mr. Guba:

Enclosed please find an approved and stamped blueprint for the above referenced facility. Permission has been granted to operate this facility per the approved plans, subject to an on site inspection by the local Fire Department.

Be advised that this facility is subject to all rules and regulations relative to the dispensing of motor fuel by the self-service method (527 CMR 5.08(5)) in effect at the time of this approval. Additionally, this approval is subject to the following conditions:

1. The fixed pre-engineered dry chemical fire extinguishing system must be installed by factory authorized personnel in accordance with the provisions of NFPA Standard 17.
2. Each person engaged in the installation, servicing, charging, recharging, repair, test, and inspection of engineered or pre-engineered fixed fire extinguishing systems in Massachusetts must have a Certificate of Competency issued by the State Fire Marshal (527 CMR 23.05(1)).
3. This approved facility may dispense motor fuel as "self-service" only after the Head of the Fire Department or his designee has certified that the facility had been constructed or rebuilt and will be operated in accordance with the plans approved by this office.

Failure to comply with the regulations, standards and conditions set forth by the State Fire Marshal and the Board of Fire Prevention Regulations shall be considered sufficient reason to summarily suspend or revoke this approval.

Respectfully,

David J Beaudin

Designee of the State Fire Marshal

Groovin' on a Sunday afternoon



For More Information . . .



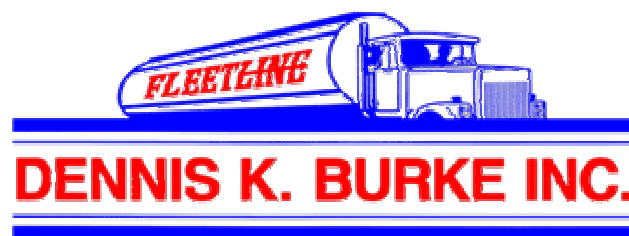
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